

Application No.: 10/633,887
Response dated 2 November 2007
Reply to Office Action of August 2, 2007

132497-1

REMARKS/ARGUMENTS

Claims 1, 3-5, 8-11, 13, 15-17, 19-21, 37, 39 and 41-44 are pending in this application, based on the recitation in the Office Action dated August 2, 2007. (The undersigned also believes that claim 45 is pending as well, and is allowable; and that claim will also be discussed briefly). Claims 8 and 41-43 have been allowed, while the remaining claims are rejected, under 35 U.S.C. 103, as being unpatentable over Moravek et al, U.S. Patent 6,805,906 ("Moravek"), in view of Reinhardt et al, U.S. Patent 6,153,054 ("Reinhardt") and Vogt, U.S. Patent 5,441,564.

As in regard to previous Office Actions, the undersigned appreciates the Examiner's thoroughness in reviewing the references and arguments for patentability. Without going into repetitive detail regarding the rejection, Applicant continues to maintain that Reinhardt (pigment systems for coatings on raw release papers) and Vogt (pigments for specialized coatings) are not "analogous art" suitable for a strong obviousness rejection. On page 3 of the Office Action, the Examiner appears to characterize "coating compositions" as a single, common feature which creates a link between the cited references and the claimed invention. (However, the undersigned stands corrected if the Examiner's point is different from that summarized here).

Regardless, Applicant emphasizes that the mere fact that the compositions are used for "coatings" does not create analogous art. Coating compositions are used for countless purposes, on countless types of articles. Thus, two references which happen to describe "coating compositions" may bear no relationship to each other in any way, nor bear a relationship to some concept common to both.

Furthermore, Applicant fails to understand the purpose of the discussion regarding decorative coatings, e.g., coatings which impart "luster/brilliance" (see middle section of page 3 of the Office Action). The present invention has nothing to do with decorative coatings. Instead, the coatings were conceived for a very specific purpose: to carefully supply aluminum content to

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high temperature industrial substrates which require this constituent. As alluded to in paragraph 42 of the specification, the combination of aluminum flakes and aluminum powder can be employed in the successful diffusion of this metal into the substrate. This concept has nothing to do with the use of aluminum as a cosmetic pigment.

Applicant stands by other points made during previous prosecution, e.g., characterization of the Moravek reference. Again, this patent fails to describe the presence of many of the other organic resins claimed for this invention, such as the epoxy resins. The reference also fails to describe the presence of combinations of aluminum flakes and an aluminum powder.

In general, Applicant continues to maintain that aluminizing compositions which embraced the various organic polymers set forth in the original claims – such as epoxy resins, silicone resins, and alkyd resins – are novel and nonobvious. However, there is now a desire to reduce issues in the present case. Accordingly, many of the claims which have been rejected are now canceled. Applicant emphasizes that the cancellation of these claims should be treated without prejudice, as it is the intent of Applicant to strongly consider arguing for those claims in subsequent, related patent applications.

Applicant acknowledges the previously allowable claims (8 and 41-43). As listed above, other claims have been amended to depend from those allowed claims, since they recite certain features of interest within that inventive scope. No new matter is being introduced by these amendments.

Lastly, Applicant wanted to check on the status of claim 45. This claim was added in the Response dated May 29, 2007, and is described in the Remarks in that Response. It is believed that the claim is pending and allowable (depending indirectly from claim 41). Confirmation of this understanding from the Examiner would be appreciated.

To conclude, Applicant submits that the pending claims cover

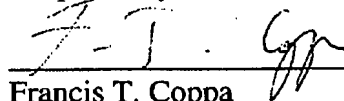
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subject matter deemed allowable by the Patent Office. In view of the concurrent cancellation of the other claims, the remaining issues appear to have been eliminated, and prosecution should be closed with the allowance. The undersigned will be contacting the Examiner to review any remaining points.

Please charge all applicable fees associated with the submittal of this Response, and any other fees applicable to this application, to the Assignee's Deposit Account No. 07-0868.

Respectfully submitted,


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